

IN THE U.S. DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM A. MARTIN,

Plaintiff,

vs.

LOWE'S HOME CENTERS, LLC,

Defendant.

CASE NO. 2:19-cv-2051

**DEFENDANT LOWE'S HOME
CENTERS, LLC'S NOTICE OF
REMOVAL**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION

1. Defendant Lowe's Home Centers, LLC, is a Defendant in a civil action brought against it in the Court of Common Pleas for Franklin County, Ohio, styled *William A. Martin v. Lowe's Home Centers, LLC*, Case No. 19CV0003412. Copies of all process and pleadings in that action are attached hereto as Exhibit A, pursuant to 28 U.S.C. §1446(A).

2. Said action was commenced by service of the Complaint on Lowe's on April 27, 2019.

3. Plaintiff is a resident of the State of Ohio.

4. Lowe's is a foreign corporation organized, registered and existing under the laws of the State of North Carolina and has its principal place of business in North Carolina.

5. The within lawsuit is a controversy between citizens of different states, as to give rise to complete diversity of citizenship within the meaning of 28 U.S.C. §1332.

6. Plaintiff demands judgment against Lowe's in an amount in excess of \$25,000.00. According to the Complaint, Plaintiff alleges that he sustained personal injuries in a motor vehicle collision involving a commercial motor vehicle. Plaintiff alleges that because of the accident he "suffered severe injuries," "was hindered from attending to his usual affairs," "was

compelled to expend and/or become liable for great sums of money for hospital and medical services, extensive rehabilitation care and attention in trying to seek treatment". (emphasis original). As such, it is Lowe's good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, if all of its defenses fail and if Plaintiff proves all of his claimed damages as alleged in the Complaint.

7. This is a civil action brought in a state court in which the United States District Court has original jurisdiction because of diversity of citizenship, and Lowe's is not a citizen of the State of Ohio, in which this action was brought.

8. Written notice of removal of this action has been given simultaneously herewith to Plaintiff's counsel and the Clerk of Courts for Franklin County, Ohio.

WHEREFORE, Defendant Lowe's Home Centers, LLC hereby removes this action from the Court of Common Pleas for Franklin County, Ohio, to this Court, pursuant to 28 U.S.C. §1441.

Respectfully submitted,

/s/ Nicholas P. Resetar

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ATTORNEYS FOR DEFENDANT

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PROOF OF SERVICE

I hereby certify that on this 20th day of May, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Nicholas P. Resetar

Nicholas P. Resetar

Jessica L. Sloan

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